

ADMINISTRATIVE
INTERNAL USE ONLY

2 FEB 1968

MEMORANDUM FOR : Deputy Director for Support

SUBJECT : Proposed Civil Service Commission Procedures -
Involuntary Disability Retirement

OGC Has Reviewed

1. This memorandum submits a recommendation for your approval; such recommendation is contained in paragraph 4.

2. Following up on our visit with the Director, Bureau of Retirement and Insurance (BRI) on the subject of his proposed regulations in involuntary disability retirement cases, we have come up with what we believe is a solution that will fully protect the Agency's interest while at the same time complying with the overall intent and spirit of the Commission's new procedures. We feel that by inserting certain language in an appropriate place in the Commission's regulations we will have all of the authority needed to protect the disclosure of classified information.

3. In effect, we propose to ask the Director, BRI to insert in his procedures a statement that says that the Civil Service Commission regulations do not change basic requirements to comply with applicable laws, Executive orders, and regulations intended to protect information involving the national security. I might add that the proposed language was informally discussed with the Director, BRI, who believes that it will serve the intended purpose. [REDACTED] Office of General Counsel, concurs.

4. It is recommended that we be authorized to ask the Director, Bureau of Retirement and Insurance to insert the language reported above in his proposed procedures.

[REDACTED]
Robert S. Wattles
Director of Personnel

The recommendation in paragraph 4 is approved.

[REDACTED]
Deputy Director
for Support

2 Feb 68
Date

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Proposed Civil Service Commission Procedures
Involuntary Disability Retirement

To protect our classified information, the following additions will be made:

- a. To the FPM Letter, add as a new last paragraph to I. Background:

This letter does not change basic requirements to comply with applicable laws, Executive orders, and regulations intended to protect information involving the national security.

- b. Add to the regulations a new paragraph (d) to Section 831.1202, subpart L:

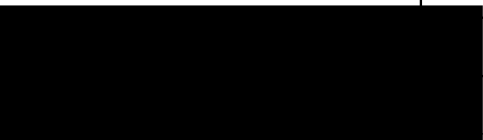
These regulations do not change basic requirements to comply with applicable laws, Executive orders, and regulations intended to protect information involving the national security.

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Remarks:

ILLEGIB

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OGC 68-0189

1 February 1968

MEMORANDUM FOR: Chief, Benefits & Services Division/OP

SUBJECT: Draft Civil Service Regulations on
Mandatory Disability Retirement
Procedures

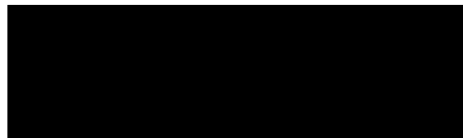
In accordance with our conversation, I would suggest the following changes in the draft regulations:

a. At page 4, the following paragraph to be added to Section 831.1202 of Subpart L:

"(d) Classified information may be furnished the representative or physician designated under paragraph (a) or (b) of this section only with the approval of the agency which classified the information."

b. At page 8, the following additional sentence to Section 831.1205(b)(5):

"Regulations and instructions of the agency to protect security information shall not be deemed as contravening the preceding sentence."



Associate General Counsel

STATINTL

cc: DDS
D/Personnel
D/MS

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30 JAN 1968

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Meeting with Mr. Andrew Ruddock regarding
Involuntary Disability Retirement Regulation

This memorandum is for your information.

[redacted] and I met with Andy Ruddock this afternoon as a follow-up to the session in your office on the risks inherent to this Agency in the draft FPM provisions for appeals and hearings in involuntary disability retirement cases. Although no other security agency had raised the problem with Andy, he immediately understood the problem as we saw it and agreed that some provision would have to be made to protect security. We discussed various avenues of approach, and he ruled out a single escape clause as he felt this would be misunderstood and probably would not be acceptable to the Commissioners. Apparently there is a standing rule, if not a law, that any time such an exception clause is written and used it must be personally reported to the Vice President and the Speaker--obviously a real snarl.

He asked us to provide appropriate language regarding protection of classified information wherever needed in their draft. This would occur at least in regard to the record, the representative of the employee concerned, and witnesses in a hearing. He is under some time pressure to get the proposed draft to the Commissioners, and we have agreed to come back with appropriate language in two or three days. [redacted] will take the matter directly to [redacted] for the preparation of the necessary language.

Signed

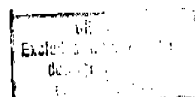
Robert S. Wattles
Director of Personnel

Distribution:

- Orig & 1 - Addressee
- 1 - Chief, BSD/OP
- 1 - D/Pers Chrono

OD/Pers/RSWattles:hc (30 Jan 68)

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OGC 68-0140

26 January 1968

MEMORANDUM FOR: Deputy Director of Personnel

SUBJECT: Negotiations with Civil Service on
Mandatory Disability Retirement
Procedures

STATINTL

Attached is a draft for you and [REDACTED] in connection with your forthcoming discussions with the Civil Service Commission as proposed at the meeting with Mr. Bannerman on 24 January. The first page is language to be included in an exchange of letters between the two agencies. The second page contains a brief amendment to the proposed regulation which would permit, on Civil Service approval, complete exemption from the procedures. Either of these proposals could be adopted to meet the Agency's problems or, if desired, both could be utilized.

STATINTL

[REDACTED]
Associate General Counsel

Attachments

cc: DDS
D/MS
Ch/BSD/OP

(Draft of language to be included in CIA-Civil Service Commission letter of agreement regarding Subpart L of Section 831)

The Civil Service Commission and the Central Intelligence Agency agree that in any instance in which the CIA informs the Civil Service Commission that application of the procedure under Subpart L of Section 831 of the Federal Personnel Manual Supplement 990-1 would involve the revelation of classified information, the Commission and the Agency will take all appropriate steps to fully protect such information. This could include any or all of the following steps and any others, as CIA may request:

- a. The hearing provided by Section 831.205 would be conducted in CIA offices.
- b. The reporter would be an employee of CIA.
- c. The records and transcripts would be retained in CIA custody.
- d. All persons to whom classified information is to be revealed in the course of a proceeding, including the employee's representative and the employee's physician, and the Civil Service Commission personnel who take part, would be cleared by CIA to receive such information.

(Draft of language for inclusion in Subpart L)

831.1202(d) "The Executive Director, Civil Service Commission, may authorize waivers or deviations from these procedures in any instance where he deems such action necessary or advisable in the interests of the United States."

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<p><i>Look okay to me</i></p> <p><i>W</i></p>			
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